

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

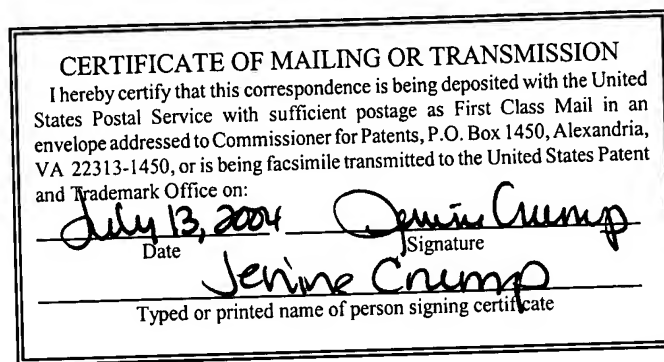
Applicant: Mary Jane Cardoso, Gerd Sator and Volker Erfle

Application No.: 10/786,380

Filed: February 24, 2004

Confirmation No.: 3579

For: Recombinant MVA Virus Expressing Dengue Virus Antigens and the Use
Thereof in Vaccines



PETITION UNDER 37 C.F.R. §1.78(a)(3)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition is being filed pursuant to 37 C.F.R. §1.78(a)(3) to request acceptance of an indication of the relationship between the subject application and the priority application referred to in the CROSS-REFERENCE TO RELATED APPLICATIONS paragraph of the subject application, in order to perfect the specific reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2).

The subject application, which was filed on February 4, 2004, included a Preliminary Amendment that amended the specification to insert the CROSS-REFERENCE TO RELATED APPLICATIONS paragraph on page 1, under the title of the invention. A Second Preliminary Amendment is being filed concurrently with this Petition to include the relationship between U.S. Application No. 09/147,919, the application referenced in the CROSS-REFERENCE TO RELATED APPLICATIONS paragraph, in order to perfect the specific reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2). As indicated in the Second Preliminary Amendment being filed concurrently, the subject application is a continuation application of U.S. Application No. 09/147,919, filed March 23, 1999.

The entire delay between the date that the specific reference was due under 37 C.F.R. §1.78(a)(2)(ii) and the date that it is being perfected was unintentional.

Applicant requests that the U.S. Patent and Trademark Office enter the Second Preliminary Amendment filed concurrently.

A check in the amount of \$1,330.00 for the surcharge under 37 C.F.R. §1.17(t) is enclosed. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne J. Collins
Anne J. Collins
Registration No. 40,564
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Concord, MA 01742-9133

Dated: July 13, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mary Jane Cardosa, Gerd Sutter and Volker Erfle

Application No.: 10/786,380

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CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>July 13, 2004</u>	<u>Jenine Crump</u>
Date	Signature
<u>Jenine Crump</u>	
Typed or printed name of person signing certificate	

PETITION UNDER 37 C.F.R. §1.53(e)(2)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition is being filed pursuant to 37 C.F.R. §1.53(e)(2) in response to the Notice of Incomplete Nonprovisional Application (the Notice) mailed from the U.S. Patent and Trademark Office (PTO) on May 13, 2004, to request that the Notice be withdrawn and that the subject application be accorded the filing date of February 24, 2004.

According to the Notice, a filing date has not been accorded to the subject application because the application was deposited without drawings pursuant to 35 U.S.C. §113, which requires a drawing where necessary for the understanding of the subject matter sought to be patented.

Drawings are not necessary for the understanding of the subject matter sought to be patented in the subject application. A Second Preliminary Amendment is being filed concurrently with this Petition to delete any references to figures in the subject application.

Accordingly, Applicants respectfully request that the U.S. Patent and Trademark Office enter the Second Preliminary Amendment filed concurrently and accord a filing date of February 24, 2004 to the subject application.

A check in the amount of \$130.00 for the Petition fee under 37 C.F.R. §1.17(h) is enclosed. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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